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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,575	10/24/2003	Katsuya Sakaguchi	Q78019	6941

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EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,575

Applicant(s)

SAKAGUCHI, KATSUYA

Examiner

Wesley L. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/17/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claim 1, the limitation "wherein the light emitting section has a light emitting surface directed in a direction that is at an angle greater than zero degrees to the surface of the wiring board" is not in the specification. The specification teaches that the light emitting section includes a light emitting surface directed in a direction along a surface of a wiring board located in the case (Par.7;lines6-8 and

Par.13;lines 14-17 and Fig.3;C), which clearly teaches that the light is emitted parallel to the surface of the wiring board.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, the term "substantially" in claim 1 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Regarding Claim 11, the limitation "a light mixing space having a plurality of surfaces within the case adjacent in a first direction to the window section; and a light emitting section positioned such that light is emitted in a second direction different from the first direction" is confusing to the examiner. To the examiner, the light mixing space is adjacent in a first direction to the window section is what is really confusing.

The examiner will examine the claims to the best of his understanding of the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Till (U.S Patent 6434690 B1).

**Regarding Claim 1**, Till teaches a portable terminal device comprising: a case (Fig.2;10); a light emitting section within the case (Fig.10;15, light sources); a window section formed in a surface of the case (Fig.3A,35, an aperture is a window section and Abstract, the lighting system can be integrated into the housing of the device); and a wiring board located in the case substantially parallel to the window section (Fig.11;35, the window sections on the front of the device are parallel to the wiring board), the light emitting section being positioned above a surface of the wiring board (Fig.11;15, the light emitting section is above the wiring board),

wherein the light emitting section has a light emitting surface directed in a direction that is at an angle greater than zero degrees to the surface of the wiring board above which the light emitting section is positioned (Fig.10; light travels along path 51) such that the emitted light does not directly impinge on a surface of the window (Fig.10;150, the light does not directly impinge on the surface of the window).

**Regarding Claim 2**, Till further teaches the light emitting section is attached to the wiring board (Fig.10;15).

**Regarding Claim 3**, Till further teaches a space section in the case, wherein the space section is an oblong space (Fig.10, light bouncing around in an oblong space).

**Regarding Claim 4**, Till further teaches a space section in the case, wherein the light emitting section is disposed in the space section (Fig.10;10 and Fig.10;15, there is a space for the light emitting section to sit in, i.e. the space section).

**Regarding Claim 5**, Till further teaches the light emitting section emits at least any one of red, green, and blue light beams (Col.5;5, green).

**Regarding Claim 11**, Till teaches a portable terminal device comprising: a case (Fig.2;10); a window section formed in a surface of the case (Fig.3A,35, an aperture is a window section and Abstract, the lighting system can be integrated into the housing of the device);

a light mixing space having a plurality of surfaces within the case adjacent in a first direction to the window section (Fig.10, light mixing space is adjacent to window sections); and

a light emitting section positioned such that light is emitted in a second direction different from the first direction (Fig.10;15 and Fig.10;51, the light is emitted in a different direction, therefore the light bounces around).

**Regarding Claim 12**, The portable terminal device according to claim 11, wherein the light emitting section is located above a wiring board within the case (Fig.10;15) and the light mixing space is located between the window section and an

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edge of the wiring board (Fig.10, mixing space is between window section 35 and the edge of the board).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Till (U.S. Patent 6434690 B1) in view of Ariga et al (U.S. Patent 5486816).

**Regarding Claim 6**, Till teaches all the limitations as recited in claim 1, however Till **is silent on** the light emitting section is a light emitting diode of side emitting type.

Ariga teaches an LED is a side emitting type (Col.6:17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Till, such that the light emitting section is a light emitting diode of side emitting type, to provide a mobile device which would have a window displaying the light raised off of the surface of the phone.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Till (U.S. Patent 6434690 B1) in view of Shang (U.S. Patent 3727115).

**Regarding Claim 7**, Till teaches all the limitations as recited in claim 1, however Till **is silent on** the light emitting section is a light emitting diode of surface emitting type.

Shang teaches an LED is a surface emitting type (Col.3:25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Till, such that the light emitting section is a light emitting diode of surface emitting type, to provide a mobile device, which would have a window displaying the light flat against the surface of the phone.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Till (U.S. Patent 6434690 B1) in view of Kimiaki (Japanese Pub. 2002252687)

**Regarding Claim 8**, Till teaches all the limitations as recited in claim 1, Till teaches that the window section is an opening for light to go through, however Till **is silent on** the window section is translucent.

Kimiaki further teaches the window section is translucent (Abstract: 6-9 and Drawing.4:2 and 5, 5 is translucent and 2 is transparent so the window is translucent).

To one of ordinary skill in the art, it would have been obvious to modify Till with Kimiaki at the time of the invention such that, the window section is translucent, to provide a method where dust and debris cannot get into the device via the window section and at the same time provide a slight variation to the light being displayed, which the user may find to his/her liking.

**Regarding Claim 9**, Till teaches all the limitations as recited in claim 1, Till teaches that the window section is an opening for light to go through, however Till **is silent on** the window section is creamy white



Kimiaki further teaches the window section is creamy white (Abstract:6-9 and Drawing.4;2 and 5, milky-white is creamy white).

To one of ordinary skill in the art, it would have been obvious to modify Till with Kimiaki at the time of the invention such that, the window section is creamy white, to provide a method where dust and debris cannot get into the device via the window section and at the same time provide a slight variation to the light being displayed, which the user may find to his/her liking.

**Regarding Claim 10**, Till teach all the limitations as recited in claim 1, however Till **is silent on** the light emitting section emits light when a call arrives at the portable terminal device.

Kimiaki further teaches the light emitting section emits light when a call arrives at the portable terminal device (Description of Prior Art;line 23, LED is lit at the time of charge and arrival, where arrival is a call arrival).

To one of ordinary skill in the art, it would have been obvious to modify Till with Kimiaki at the time of the invention, such that the light emitting section emits light when a call arrives at the portable terminal device, to provide a method where the user can clearly see an incoming call even if the ringer is turned off in a place such as a library.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK



GEORGE ENG  
SUPERVISORY PATENT EXAMINER